

### **13-1701. Definitions**

In this chapter, unless the context otherwise requires:

1. "Damage" means any physical or visual impairment of any surface.
2. "Occupied structure" means any structure as defined in paragraph 4 in which one or more human beings either is or is likely to be present or so near as to be in equivalent danger at the time the fire or explosion occurs. The term includes any dwelling house, whether occupied, unoccupied or vacant.
3. "Property" means anything other than a structure which has value, tangible or intangible, public or private, real or personal, including documents evidencing value or ownership.
4. "Structure" means any building, object, vehicle, watercraft, aircraft or place with sides and a floor, used for lodging, business, transportation, recreation or storage.
5. "Wildland" means any brush covered land, cutover land, forest, grassland or woods.

### **13-1702. Reckless burning; classification**

A. A person commits reckless burning by recklessly causing a fire or explosion which results in damage to an occupied structure, a structure, wildland or property.

B. Reckless burning is a class 1 misdemeanor.

### **13-1703. Arson of a structure or property; classification**

A. A person commits arson of a structure or property by knowingly and unlawfully damaging a structure or property by knowingly causing a fire or explosion.

B. Arson of a structure is a class 4 felony. Arson of property is a class 4 felony if the property had a value of more than one thousand dollars. Arson of property is a class 5 felony if the property had a value of more than one hundred dollars but not more than one thousand dollars. Arson of property is a class 1 misdemeanor if the property had a value of one hundred dollars or less.

### **13-1704. Arson of an occupied structure; classification**

A. A person commits arson of an occupied structure by knowingly and unlawfully damaging an occupied structure by knowingly causing a fire or explosion.

B. Arson of an occupied structure is a class 2 felony.

### **13-1705. Arson of an occupied jail or prison facility; classification.**

A. A person commits arson of an occupied jail or prison facility by knowingly causing a fire or explosion which results in physical damage to the jail or prison facility.

B. Arson of an occupied jail or prison facility is a class 4 felony.

### **13-1706. Burning of wildlands; exceptions; classification**

A. It is unlawful for any person, without lawful authority, to intentionally, knowingly, recklessly or with criminal negligence to set or cause to be set on fire any wildland other than the person's own or to permit a fire that was set or caused to be set by the person to pass from the person's own grounds to the grounds of another person.

B. This section does not apply to any of the following:

1. Open burning that is lawfully conducted in the course of agricultural operations.
2. Fire management operations that are conducted by a political subdivision.
3. Prescribed or controlled burns that are conducted with written authority from the state forester.

4. Lawful activities that are conducted pursuant to any rule, regulation or policy that is adopted by a state, tribal or federal agency.

5. In absence of a fire ban or other burn restrictions to a person on public lands, setting a fire for purposes of cooking or warming that does not spread sufficiently from its source to require action by a fire control agency.

C. A person who violates this section is guilty of an offense as follows:

1. If done with criminal negligence, the offense is a class 2 misdemeanor.

2. If done recklessly, the offense is a class 1 misdemeanor.

3. If done intentionally or knowingly and the person knows or reasonably should know that the person's conduct violates any order or rule that is issued by a governmental entity and that prohibits, bans, restricts or otherwise regulates fires during periods of extreme fire hazard, the offense is a class 6 felony.

4. If done intentionally and the person's conduct places another person in danger of death or serious bodily injury or places any building or occupied structure of another person in danger of damage, the offense is a class 3 felony.

#### **13-1707. Unlawful cross burning; classification**

A. It is unlawful for a person to burn or cause to be burned a cross on the property of another person without that person's permission or on a highway or any other public place with the intent to intimidate any person or group of persons. The intent to intimidate may not be inferred solely from the act of burning a cross, but shall be proven by independent evidence.

B. A person who violates this section is guilty of a class 1 misdemeanor.

#### **13-1708. Unlawful symbol burning; classification**

A. It is unlawful for a person to burn or cause to be burned any symbol not addressed by section 13-1707 on the property of another person without that person's permission or on a highway or any other public place with the intent to intimidate any person or group of persons. The intent to intimidate may not be inferred solely from the act of burning the symbol, but shall be proven by independent evidence.

B. A person who violates this section is guilty of a class 1 misdemeanor.

#### **13-1709. Emergency response and investigation costs; civil liability; definitions**

A. A person who commits an act in violation of this chapter that results in an appropriate emergency response or investigation and who is convicted of the violation may be liable for the expenses that are incurred incident to the emergency response and the investigation of the commission of the offense.

B. The court may assess and collect the expenses prescribed in subsection A. The court shall state the amount of these expenses as a separate item in any final judgment, order or decree.

C. The expenses are a debt of the person. The public agency, for profit entity or nonprofit entity that incurred the expenses may collect the debt proportionally. The liability that is imposed under this section is in addition to and not in limitation of any other liability that may be imposed. If a person is subject to liability under this section and is married, only the separate property of the person is subject to liability.

**D. There shall be no duty under a policy of liability insurance to defend or indemnify any person found liable for any expenses under this section.**

**E. For the purposes of this section:**

**1. "Expenses" means reasonable costs that are directly incurred by a public agency, for profit entity or nonprofit entity that makes an appropriate emergency response to an incident or an investigation of the commission of the offense, including the costs of providing police, fire fighting, rescue and emergency medical services at the scene of the incident and the salaries of the persons who respond to the incident but excluding charges assessed by an ambulance service that is regulated pursuant to title 36, chapter 21.1, article 2.**

**2. "Public agency" means this state, any city, county, municipal corporation or district, any Arizona federally recognized native American tribe or any other public authority that is located in whole or in part in this state and that provides police, fire fighting, medical or other emergency services.**